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10 *Toshiba America, Inc.,*  
11 *Toshiba America Consumer Products, LLC,*  
12 *Toshiba America Information Systems, Inc.,*  
13 *and Toshiba America Electronic Components, Inc.*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

16 IN RE: CATHODE RAY TUBE (CRT)  
17 ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

18 This Document Relates to:

19 *The Indirect Purchaser Action*

20 *Electrograph Systems, Inc. et al. v. Hitachi,*  
21 *Ltd. et al.,* No. 11-cv-01656;

22 *Siegel v. Hitachi, Ltd., et al.,*  
23 No. 11-cv-05502;

24 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et*  
25 *al.,*  
26 No. 11-cv-05513;

27 *Target Corp., et al. v. Chunghwa Picture*  
28 *Tubes, Ltd., et al.,* No. 11-cv-05514;

**DECLARATION OF SAMUEL J.  
SHARP IN SUPPORT OF THE  
TOSHIBA DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
PURSUANT TO CIVIL LOCAL  
RULES 7-11 AND 79-5(d)**

DECLARATION OF SAMUEL J. SHARP IN SUPPORT OF  
THE TOSHIBA DEFENDANTS' ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

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*Sears, Roebuck and Co., et al. v. Chunghwa Picture Tubes, Ltd., et al.*, No. 11-cv-05514;

*Interbond Corporation of America v. Hitachi, et al.*, No. 11-cv-06275;

*Office Depot, Inc. v. Hitachi, Ltd., et al.*, No. 11-cv-06276;

*CompuCom Systems, Inc. v. Hitachi, Ltd. et al.*, No. 11-cv-06396;

*Costco Wholesale Corporation v. Hitachi, Ltd., et al.*, No. 11-cv-06397;

*P.C. Richard & Son Long Island Corporation, et al. v. Hitachi, Ltd., et al.*, No. 12-cv-02648;

*Schultze Agency Services, LLC v. Hitachi, Ltd., et al.*, No. 12-cv-02649;

*Tech Data Corporation, et al. v. Hitachi, Ltd., et al.*, No. 13-cv-00157;

*Sharp Electronics Corp., et al. v. Hitachi, Ltd., et al.*, No. 13-cv-01173;

*ViewSonic Corporation, v. Chunghwa Picture Tubes, Ltd., et al.*, No. 3:14cv-02510.

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1 I, Samuel J. Sharp, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, attorneys for  
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information  
4 Systems, Inc., Toshiba America Consumer Products, LLC, and Toshiba America Electronic  
5 Components, Inc. (collectively, the “Toshiba Defendants”). I make this declaration in  
6 support of the Toshiba Defendants’ Administrative Motion to File Documents Under Seal  
7 Pursuant to Civil Local Rules 7-11 and 79-5(d) (the “Motion to Seal”).

8 2. Except for those matters stated on information and belief, which I believe to be  
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and  
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.  
12 306) (“Protective Order”) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in  
14 this action certain documents and information designated as either “Confidential” or “Highly  
15 Confidential” pursuant to the Stipulated Protective Order.

16 5. On November 7, 2014, the Toshiba Defendants filed an administrative motion  
17 to seal the following documents, pursuant to Civil Local Rules 7-11 and 79-5(d):

- 18 a. Exhibit C to the Lau Declaration which is a document bearing the Bates  
19 numbers MTPDA\_SEC-0225499 through MTPDA\_SEC-0225587 that  
20 Defendant Matsushita Toshiba Picture Display Co., Ltd. has designated as  
21 “Confidential” pursuant to the Protective Order;
- 22 b. Exhibit D to the Lau Declaration which is Toshiba Corporation’s  
23 Objections and Responses to Indirect-Purchaser Plaintiffs’ First Set of  
24 Interrogatories to Defendants, dated September 5, 2014, that Toshiba  
25 Corporation has designated as “Confidential” pursuant to the Protective  
26 Order.
- 27 c. Exhibit F to the Lau Declaration which is excerpted testimony from the  
28 transcript of the Rule 30(b)(6) deposition of Toshiba Corporation (Mio

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Tamba), dated September 24, 2014, that the Toshiba Defendants have designated as “Highly Confidential” pursuant to the Protective Order;

- d. Exhibit G to the Lau Declaration which is a document bearing the Bates numbers TSB-CRT-00026162 through TSB-CRT-00026180 that Toshiba Corporation has designated as “Highly Confidential” pursuant to the Protective Order;
- e. Exhibit H to the Lau Declaration which is excerpted testimony from the transcript of the Rule 30(b)(6) deposition of Toshiba Corporation (Koji Kurosawa), dated July 30, 2012, that the Toshiba Defendants have designated as “Highly Confidential” pursuant to the Protective Order; and
- f. Exhibit I to the Lau Declaration which is excerpted testimony from the transcript of the deposition of Tomoyuki Kawano, dated October 27, 2014, that the Toshiba Defendants have designated as “Highly Confidential” pursuant to the Protective Order.

6. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective Order, Exhibits D, F, G, H, and I to the Lau should be maintained under seal.

7. The materials listed in Paragraph 6 have been designated by one of the Toshiba Defendants as either “Confidential” or “Highly Confidential” pursuant to the Protective Order because they contain confidential, nonpublic, and highly sensitive business information. They contain confidential, non-public information about the Toshiba Defendants’ sales practices, business and supply agreements, and competitive positions. The documents describe relationships with companies — including customers and vendors — that remain important to the Toshiba Defendants’ competitive positions. Upon information and belief, publicly disclosing this sensitive information presents a risk of undermining the Toshiba Defendants’ relationships, would cause harm with respect to the Toshiba Defendants’ competitors and customers, and would put the Toshiba Defendants at a competitive disadvantage.

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1       8. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order  
2 No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the  
3 Protective Order, the above-mentioned materials should be maintained under seal.

4       I declare under penalty of perjury under the laws of the United States of America that  
5 the foregoing is true and correct.

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7       Executed this 7<sup>th</sup> day of November, 2014, in Washington, D.C.

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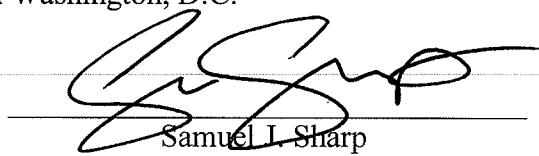
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Samuel J. Sharp

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## **CERTIFICATE OF SERVICE**

On November 7, 2014, I caused a copy of “DECLARATION OF SAMUEL J. SHARP IN SUPPORT OF THE TOSHIBA DEFENDANTS’ ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

/s/ Lucius B. Lau

Lucius B. Lau

White & Case LLP  
7001 Thirteenth Street, NW  
Washington, DC 20005

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